

**IN THE HIGH COURT OF SIKKIM
CIVIL EXTRA ORDINARY JURISDICTION**

W. P. (C) No. **52** OF 2015

1. M/s. Veekay International,
A Partnership firm,,
9, Lall Bazar Street,
A Block,
Kolkata – 700 001.
2. Shri. Rajeev Madhogarhia,
S/o Shri. Kashi Ram Madhogarhia,
R/o Flat – 10 B,
Orchid Tower,
33/1 A Kankurgachi Road,
Kolkata – 700 054,
West Bengal. ----- Petitioners.

-VERSUS-

1. Principal Secretary,
Law Department,
Government of Sikkim,
Thathangchen, Gangtok,
East Sikkim.
2. M/s Denzong Albew (P) Ltd.,
Paljor Stadium Road,
P. O. Gangtok, Sikkim
Having its brewery at Mulukay,
P. S. Rongli,
East Sikkim. ----- Respondents.

PETITIONER
ADVOCATE (S)
FOR ----- Mr. Sudesh Joshi, Mr. Deepen Pradhan, Ms. Tengop
Subba and Mr. Sishir Mothay.

RESPONDENT
ADVOCATE (S)
FOR ----- Mr. J. B. Pradhan, Addl. Advocate General,
Mr. Karma Thinlay, Sr. Govt. Advocate, Mr. S. K.
Chettri, Asst. Govt. Advocate, Ms. Pollin Rai, Asst.
Govt. Advocate.

Case No.

Serial No.	Date	Order (s) with Signature (s)
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03.	07.09.15	W.P.(C) No. 52/2015 M/s Veekay International & Anr. vs. Principal Secretary, Law Department & Anr. BEFORE HON'BLE THE CHIEF JUSTICE MR. JUSTICE S.K. SINHA Present: Mr. Sudesh Joshi, Advocate for the Petitioners. Mr. Karma Thinlay, Sr. Govt. Advocate with Mr. S.K. Chettri, Asstt. Govt. Advocate for Respondent No. 1. ... Heard. Respondent No. 1 has filed the causes against the notice issued to him on 27.08.2015. The grievance of the Petitioners is that though they have filed an Application before the Registrar of Companies, Sikkim at Gangtok, but the said Application is not being disposed of as, according to him the Registration of Companies Act Sikkim, 1961, is not in force after the commencement of the Companies Act, 2013. Learned counsel for the Petitioners submits that firstly the said Authority refused to receive their Application in his office and even after receiving the same by Registered Post, no action has been taken so far on the said Application. Needless to say that if an Application in the appropriate form is received by a statutory authority, he is

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		bound to dispose of the same in accordance with law. The Authority, even if conceives perception that he has no jurisdiction to entertain an Application filed before him, yet the same has to be disposed of by passing an order relating thereto, but not that the Application itself would not be received by his office or no action would be taken on the said Application <i>sine die</i>. In view of the above, it directed that the concerned Authority, where the Application is pending, shall dispose of the same in accordance with law. Needless to say that the said Authority would be free to take up the question of jurisdiction as well. With the above observation and direction, the writ petition stands finally disposed of. Since the writ petition is disposed of without giving notice to Respondent No. 2, a liberty is reserved to the said Respondent to come before this Court against this order on the appropriate grounds, if it feels aggrieved thereby.  Chief Justice 07.09.2015

pm/jk
Index : Yes / No
Internet : Yes / No